

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 TYLER ERDMAN, :
 :
 Plaintiff, : ORDER
 :
 -v.- : 20 Civ. 4162 (LGS) (GWG)
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 ADAM VICTOR, :
 :
 Defendant. :
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

Before the Court is plaintiff’s January 10, 2024 letter, see Letter, filed Jan. 10, 2024 (Docket # 221) (“Pl Letter”), defendant’s response, see Letter filed Jan. 11, 2024 (Docket # 225) (“Def. Letter”), and plaintiff’s reply, see Letter, filed Jan. 11, 2024 (Docket # 226).

On January 4, 2024, the Court issued an order directing one of defendant’s attorneys, either Mr. Rodriguez or Mr. Polizzotto, to contact plaintiff by January 5, 2024, “to arrange the date” for the conference that had been ordered by the Court two weeks earlier, on December 21, 2023. Order, filed Jan. 4, 2024 (Docket # 217) (“Jan. 4 Order”); see Order, Dec. 21, 2023 (Docket # 212). The Court further ordered that the conference was to take place by January 12, 2024, “unless the parties agree to another date.” Id.

On January 10, 2024, plaintiff filed a letter indicating that defendant failed to provide a date for the conference by the January 5, 2024 deadline. See Pl Letter. The Court ordered Mr. Rodriguez to “immediately” contact plaintiff to discuss the matters raised in plaintiff’s letter and file a written response to the letter by January 11, 2024. See Memorandum Endorsement, filed Jan. 10, 2024 (Docket # 222). Mr. Rodriguez filed a letter that day requesting the deadline for the conference to take place be extended from January 12, 2024 to January 22, 2024. See Letter, filed Jan. 10, 2024 (Docket # 223). The Court rejected the application for failing to comply with paragraph 1.E of the Court’s Individual Practices, and further indicated that the letter “utterly fail[ed] to address” the contentions in plaintiff’s January 10, 2024 letter. Memorandum Endorsement, filed Jan. 10, 2024 (Docket # 224). Defendant filed a new letter on January 11, 2024, opposing the relief requested by plaintiff. See Def. Letter.

The parties have agreed to extend the deadline for holding the conference from January 12, 2024, to January 22, 2024. See Pl. Letter at 2; Def. Letter at 2. The Court’s order specifically allowed for the parties to agree to a conference date outside of the initial deadline, see Jan. 4 Order, and thus the application for an extension is unnecessary. We take this opportunity, however, to order defendant to provide plaintiff with the date of the conference by January 18, 2024, if this has not happened already.

While the Court ultimately will not grant plaintiff's remaining requests for relief at this time, we note that Mr. Rodriguez indicates that he "did not reach out to anyone at Setec until the early evening of January 9." Def. Letter at 2. This means that there was no effort by Mr. Rodriguez or Mr. Polizzotto to comply with the Court order by arranging SETEC's appearance for a period of approximately two and half weeks after the Court explicitly ordered defendant to make arrangements for the conference "forthwith." Order, filed Dec. 21, 2023 (Docket # 212). Such lack of effort is not justified by anything stated in the defendant's letter.

Accordingly, defendant shall provide plaintiff with a proposed date for the conference by January 18, 2024. The conference shall take place by January 22, 2024, unless the parties agree to another date. If both parties agree, it is acceptable to have two separate conferences with TransPerfect and SETEC.

SO ORDERED.

Dated: January 16, 2024
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge